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10/538,656	06/10/2005	Andreas Kummet	W1.2254 PCT-US	7328

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EXAMINER
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EVANISKO, LESLIE J

ART UNIT	PAPER NUMBER
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2854

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/538,656	<b>Applicant(s)</b> KUMMET ET AL.	
	<b>Examiner</b> Leslie J. Evanisko	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 65-125 is/are pending in the application.
- 4a) Of the above claim(s) 71,90 and 99-125 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 65-70,76-85,87-89,91-92 and 94-98 is/are rejected.
- 7) ☒ Claim(s) 72-75,86 and 93 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/10/05 &amp; 12/04/07</u> .                                 | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Election/Restrictions**

1. Applicant's election without traverse of Group I, species A (the blanket of Figs. 3, 4, and 12), claims 65-70, 72-89, and 91-98 in the reply filed on December 4, 2007 is acknowledged.
2. Claims 71, 90, and 99-125 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on December 4, 2007.

### **Priority**

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### **Drawings**

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference numerals 61 and 62 in Figure 11.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the

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application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: center element 35 described on page 15 in paragraph [029].

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Specification**

6. The disclosure is objected to because of the following informalities: In the third line of paragraph [043], the term “producethe” should be deleted and replaced with --produce the-- to correct an obvious typographical error. Likewise, in the last line of paragraph [049], the term “inFigs.” should be deleted and replaced with --in Figs.--. Finally, in line 5 of paragraph [054], the term “isat” should be deleted and replaced with --is at--.

Appropriate correction and/or clarification is required.

### **Claim Objections**

7. Claims 65-70, 72-89, and 91-98 are objected to because of the following informalities:

With respect to claim 65, in line 14, it is suggested that the term --end-- be inserted before “folds” to use consistent terminology throughout the claims.

With respect to claim 66, lines 2 and 4, it is suggested that the term --inside-- be inserted before “end” in each line to use consistent terminology throughout the claims.

With respect to claims 67-70, it is noted that each claim has a reference to an “installed portion”. However, from the context of the claim language, it appears the term “portion” should be deleted and replaced with --position--.

With respect to claim 68, it is suggested that the term “and” (first occurrence) in line 3 be deleted and replaced with --end-- to correct an obvious typographical error.

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With respect to claim 79, line 2, it is suggested that the term "And" be deleted and replaced with --and-- to correct an obvious typographical error.

With respect to claim 84, there is no proper antecedent basis in the specification for the length being 0.5 mm.

Appropriate correction and/or clarification is required.

### **Claim Rejections - 35 USC § 102**

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 65-67, 76, 87-88, 91, 94-95, and 97-98 are rejected under 35 U.S.C. 102(b) as being anticipated by Brands et al. (US 4,635,550).

With respect to claim 65, Brands et al. teach a printing blanket unit adapted for use with a printing blanket cylinder of a rotary printing press comprising:

a dimensionally stable support plate 20 including an exterior surface;

an angled leading end leg 30 on a leading end of said support plate;

an angled trailing end leg 31 on a trailing end of said support plate;

a leading end fold 35 on said support plate between said leading end leg and said exterior surface;

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a trailing end fold 36 on said support plate between said trailing end leg and said exterior surface;

a printing blanket 40 on said exterior surface and having blanket leading and trailing ends 42, 43 with inside end surfaces situated adjacent said leading and trailing end folds; and

a filler material 37 at said leading and trailing blanket ends between said leading and trailing folds and said leading and trailing blanket inside end surfaces, said filler material acting as a support element. Particular attention is invited to Figures 1-2.

With respect to claim 66, note Brands et al. teach at least one of said printing blanket leading and trailing end surfaces protrudes beyond an associated one of said leading and trailing end folds and wherein said filler material supports said at least one protruding end surface.

With respect to claim 67, note Brands et al. teach a radius of said printing blanket unit in an installed portion on the printing blanket cylinder at an exterior surface of said printing blanket is equal at said leading and trailing blanket ends and intermediate said leading and trailing blanket ends.

With respect to claim 87, note the folds of Brands et al. are enclosed by the filler material as shown in Figure 2 in particular.

With respect to claim 88, note Brands et al. teach the support plate 28 is steel in column 3, lines 25-26.

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With respect to claim 91, note the blanket and filler material of Brands et al. are different materials as taught in column 3, lines 46-50 and column 4, lines 11-18.

With respect to claims 94-95, note the blanket cylinder 16 of Brands et al. is in contact with a forme cylinder 10 which includes a blanket forme on its outer periphery as shown in Figure 1 and described in column 2, lines 55-56.

With respect to claims 97-98, note the blanket 40 of Brands et al. is on top of the filler material 37 and in contact with it, as shown in Figure 2 in particular.

### **Claim Rejections - 35 USC § 103**

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).



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12. Claims 77-84, 89, and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brands et al. (US 4,635,550). Brands et al. teach a printing blanket unit as recited with the possible exception of the particular details of the blanket unit such as the radius of the folds or the length of the filler material. Note that although Brands et al. is silent with respect to the particular dimensions of the blanket unit, the optimum values for the radius of the folds or the length of the filler material could easily be determined through obvious routine experimentation. Therefore, it would have been obvious to one of ordinary skill in the art to provide the blanket unit of Brands et al. with a fold radius and a filler material length falling within the ranges recited to provide a blanket assembly that provides good support of the blanket ends.

With respect to claim 89, note that although Brands et al. does not specifically teach a multi-layered blanket, the use of multi-layered blanket assemblies is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to provide a multi-layer blanket for the blanket of Brands et al. to provide a blanket with better print properties.

With respect to claim 96, note that although Brands et al. does not specifically show the forme cylinder having a surface interruption, the provision of forme cylinders having grooves for mounting the plates is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to provide the forme cylinder of Brands et al. to include a groove to allow for easier removal and replacement of the plate.

### Double Patenting

13. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

14. Claims 65-66, 68, 70, 76, and 87 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 4, and 7 of U.S. Patent No. 7,278,352 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because they each encompass a printing blanket unit including a support plate with two angled end legs, fold zones located at each of the leading and trailing end legs, a printing blanket on the exterior surface and having leading and trailing ends situated adjacent the folds, and a filler material acting as a support element and situated at the leading and trailing blanket ends between the folds and the blanket inside end surfaces.

With respect to claim 65-66 and 68, note claim 1 of US '352 in particular.

With respect to claim 70, note claim 4 of US '352 in particular.

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With respect to claim 76, note claim 7 of US '352 in particular.

With respect to claim 87, note claim 2 of US '352 in particular.

15. Claims 65, 68, 69, 85, 88, 89, 91, 92, 94-98 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 70, 84, 111, 112, 114, 115, 119, 120, 212, and 122 of copending Application No. 10/538854. Although the conflicting claims are not identical, they are not patentably distinct from each other because they each encompass a printing blanket unit including a support plate with two angled end legs, fold zones located at each of the leading and trailing end legs, a printing blanket on the exterior surface and having leading and trailing ends situated adjacent the folds, and a filler material acting as a support element and situated at the leading and trailing blanket ends between the folds and the blanket inside end surfaces.

With respect to claim 85, note claim 84 of US '854.

With respect to claim 88, note claim 111 of US '854.

With respect to claim 89, note claim 112 of US '854.

With respect to claim 91, note claim 114 of US '854.

With respect to claim 92, note claim 115 of US '854.

With respect to claim 94, note claim 119 of US '854.

With respect to claim 95, note claim 120 of US '854.

With respect to claim 96, note claim 121 of US '854.

With respect to claims 97-98, note claim 122 of US '854.

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### **Allowable Subject Matter**

16. Claims 72-75, 86, and 93 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 72, the prior art of record fails to teach or fairly suggest a printing blanket unit having all of the structure as recited, in combination with and particularly including, having leading and trailing end filler material which are adjacent each other and separated by a spacing distance as specifically recited.

With respect to claim 86, the prior art of record fails to teach or fairly suggest a printing blanket unit having all of the structure as recited, in combination with and particularly including, the printing blanket unit having the particular different thickness areas as specifically recited.

With respect to claim 93, the prior art of record fails to teach or fairly suggest a printing blanket unit having all of the structure as recited, in combination with and particularly including, the printing blanket unit being configured such that the filler material is secured to the printing blanket prior to mounting the blanket on the support plate.

### **Conclusion**

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Leslie J. Evanisko /*  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854

lje  
March 17, 2008